

**JOINT PROPOSED
VOIR DIRE QUESTIONS**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00322

Hilltop Church of the Nazarene,

Plaintiff,

v.

Church Mutual Insurance Company,

Defendant.

Before BARKER, *District Judge*

JOINT PROPOSED VOIR DIRE QUESTIONS

TO THE HONORABLE JUDGE:

Plaintiff Hilltop Church of the Nazarene (the “Plaintiff”) and Defendant Church Mutual Insurance Company (“Defendant”) in the above-entitled and numbered cause, and prior to the calling of this case for trial, and before voir dire examination of the jury panel has begun, file this list of Proposed Voir Dire Questions and respectfully request the Court ask the following:

I.
REQUESTED VOIR DIRE QUESTIONS

A. The Parties

1. Have you ever served on a jury before?
 - a. What did the case involve?
 - b. Civil or criminal?
 - c. What was the result?
2. The Defendant in this matter is Church Mutual Insurance Company.
 - a. Are you familiar with Church Mutual? If so, please explain
3. The Plaintiff is Hilltop Church of the Nazarene.

- a. Are you familiar with Hilltop Church of the Nazarene? If so, please explain
4. Have you, or has any member of your family, ever had any business contact with any of the parties?
5. Do you know any of the attorneys in this case?
 - a. Plaintiff's attorneys are Vincent P. Circelli, Preston Dugas, and Andrew Spadoni of Dugas, Cheek & Circelli Law Firm?
 - b. Defendant's attorney is G. Brian Odom, Lindsey P. Bruning, and Kiri D. Deonarine of Zelle LLP?

B. Experience with lawsuits

6. What are your thoughts about lawsuits in general?
7. Who thinks they have been **personally, negatively impacted** by lawsuits?
8. Has anyone here ever **been sued**?
9. Have you, or has any member of your immediate family, ever been a party in a lawsuit? If so,
 - a. Were you Plaintiff or Defendant?
 - b. What kind of a case was it?
 - c. What was the result?
10. Have you, or has any member of your immediate family, to your knowledge, ever sued an insurance company? If so, please explain.
11. Under the law, a company or business is entitled to be treated the same as a private individual. Would any of you have any difficulty in accepting that?
12. In a dispute between a Plaintiff and a Defendant, who would tend to side more with a Defendant even before you heard the evidence?
13. Who all feels they are so opposed to lawsuits for any reason that it would affect your consideration of this case? How difficult would it be for you to set aside these views?

C. Burden of Proof

14. Anyone know what the burden of proof is in a criminal case?

15. This is a **civil case**.
 - a. Anyone know what the **burden of proof** is in a **civil case**?
 - b. It is Preponderance of the Evidence, who has heard of that?
16. Anyone know what **Preponderance of the Evidence** means?
 - a. The greater weight and degree of the credible evidence.
 - b. More likely true than not true.
 - c. Just a slight tipping of the scales (scales of justice).
 - d. Much lower standard of proof than Beyond a Reasonable doubt.
17. What are your thoughts, feelings and opinions about that **LOWER** burden of proof, just more likely true than not true?
18. How many do not like that burden of proof?
 - a. How many do not think it's fair?
 - b. How many do not think it's high enough for whatever reason?
 - c. How many think that, **regardless of the evidence or the Court's instructions**, you would require plaintiff to prove their case by **MORE** than **JUST** a preponderance of the evidence, will you raise your hands?

D. Damages

19. The Plaintiff in this case asks for money to repair its church for over \$300,000 just as its principal damages.
20. Now some people could award SOME money, but regardless of the evidence could not award \$300,000 for its property.
21. What are your thoughts and opinions about awarding large sums of money in a lawsuit, sums exceeding \$300,000?

E. Insurance Background

22. Do you have insurance?
 - a. On your car?

- b. On your home if you own one?
 - c. Renter's insurance?
- 23. Have you or any members of your family ever had to deal with insurance claim issues of any kind?
 - a. If so, were you happy with the experience?
 - b. Was it resolved prior to litigation?
 - c. Did the claim end up in a lawsuit/in litigation?
 - d. How will this experience affect your consideration of this case?
 - e. Would you trust your insurance company to do the right thing if you had a claim?
- 24. Have you or has any member of your immediate family ever been associated with the insurance business whether it be directly worked for an insurance company, worked as an insurance claims adjuster, or has done inspections or other work for an insurance company? If so, please explain.
- 25. Have you or any members of your family ever been involved with the construction industry in any way? If so, please explain.
- 26. Have you or any members of your family ever worked as a roofer, adjuster, engineer or estimator?
- 27. Do you or does any member of your family have training or work experience in law or a legal business or field? If so, please explain.
- 28. Do any of you own property other than your homes? If so, please describe.
- 29. Do any of you own a business? If so:
 - a. What kind of business?
 - b. How many employees?
 - c. Where is it located?

F. Contracts

- 30. Who has expertise in signing or entering contracts?
- 31. Ever had a dispute involving a contract?

32. Ever been accused of taking advantage of someone in a contract?

G. Construction

33. Does anyone here have construction experience?

34. If yes, what type of construction experience do you have?

35. Has anyone replaced a roof before?

36. If yes, why did the roof need to be replaced?

H. Scaled

37. Would you strongly agree, agree, disagree, or strongly disagree with the following statements:

- a. Most people who file insurance claims are trying to get more money than they are due.
- b. If a storm comes through your area, you should get on your roof within the next few days to see if there is any damage.
- c. Most people who file insurance claims will exaggerate the amount of loss they suffered.

**II.
REQUEST FOR RELIEF**

The Parties respectfully requests that the Court ask the questions above and/or allow Parties' counsel to ask these questions and any necessary follow-up questions during voir dire, and that the court grant Parties all other relief to which it is entitled.

Respectfully submitted,

/s/ Vincent P. Cirelli

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all parties through counsel of record pursuant to the Federal Rules of Civil Procedure on September 30, 2022 in manner described below:

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ATTORNEYS FOR DEFENDANT

/s/Vincent P. Cirelli

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